

Section 2 #

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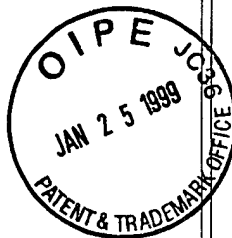
Assistant Commissioner for Patents  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: 18941-2  
Client Reference No.: B98-052

On 1/21/99

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Wilhelm Gruissem, et al.

Application No.: 09/134,014

Filed: August 14, 1998

For: HOMOLOGOUS  
RECOMBINATION IN PLANTS

Art Unit: 1643

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION  
WITH FEE AUTHORIZATION

Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

This is in response to the Notice to File Missing Parts of Application mailed September 21, 1998 in the above-referenced application. A Petition for a Two-Month Extension of Time with the appropriate fee accompanies this response. With the extension of time a response is due by January 21, 1999.

Enclosed to be made of record in the above-referenced application is the fully executed Declaration of inventors Wilhelm Gruissem, John Jelesko and Masaki Furuya in three counterparts. Further enclosed is the requisite copy of Form PTO-1533.

The Assistant Commissioner for Patents is hereby authorized to charge the surcharge of \$130.00, the statutory basic filing fee of \$760.00 and extra claims fees of \$510.00 (31 claims, 4 of which are independent) to Deposit Account No. 20-1430. The Assistant Commissioner for Patents is further authorized to charge any additional fees remaining or credit any overpayment in this application to the foregoing deposit account. This authorization is submitted in triplicate.

Respectfully submitted,



Kevin Bastian  
Reg. No. 94,774

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218941-00020046  
 UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: COMM. OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

KLB

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
134,014	08/14/98	GRUISSEM	W 018941-00020

01 50 0262/0921  
 TOWNSEND AND TOWNSEND AND CREW  
 TWO EMBARCADERO CENTER EIGHTH FLOOR  
 SAN FRANCISCO CA 94111

NOT ASSIGNED

**Response Due** 11/21/98 m/m  
 DATE MAILED: 09/21/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1241

- ☒ 1. The statutory basic filing fee is:  
☐ missing.  
☒ insufficient.  
 Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27). 304
- ☒ 2. Additional claim fees of \$ 80 for 1 independent claims over 3.  
 \$ 242 for 11 dependent claims over 20.  
 \$ \_\_\_\_\_ for multiple dependent claim surcharge.  
 Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:  
☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.  
 An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.  
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:  
 An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application does not comply with the Sequence Rules.  
 See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."  
☒ 9. OTHER

Direct the reply and any questions about this notice to: Attention: Box Missing Parts.

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY

0913414  
 02/02/1999 SSANDARA 00000023 20380  
 01 FC:103 790.00 CH  
 02 FC:102 82.00 CH  
 03 FC:103 242.00 CH  
 04 FC:103 130.00 CH